

In re WESTBROOK ET AL., Application No. 09/776,793
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REMARKS

The Office action dated June 10, 2003, and the references cited therein have been carefully considered. Applicants respectfully traverse all rejections for at least the reasons stated herein after, and applicants request allowance of all claims as the prior art of record neither teaches nor suggests the invention recited in the pending claims.

All claims stand rejected under 35 USC § 102(e) as being anticipated by Clauberg, US 6,735,219. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP § 2131 (citations omitted). Applicants respectfully submit that Clauberg neither anticipates nor is renders as obvious any of the recited claims as Clauberg fails to show each and every element as recited in the claims, and Clauberg neither teaches nor suggests all the claim elements.

Note, Applicants have also filed an electronic information disclosure statement (eIDS) today, and request the Office consider these references, and return a signed copy of the corresponding 1449 to Applicants in the next correspondence sent from the Office to Applicants.

The following remarks are numbered to reference the same numbered paragraphs of the Office Action to which they are directed.

Paragraph 4. Claim 1 is rejected as being anticipated by Clauberg. Independent claim 1 recites:

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1. A system for resequencing a stream of packets comprising:

a plurality of distributed resequencing components, each of the plurality of distributed resequencing components including one or more data structures for maintaining an indication of packets of the stream of packets that are stored in other distributed resequencing components of the plurality of distributed resequencing components;

a communications mechanism coupled to the plurality of distributed resequencing components to allow communication among the plurality of distributed resequencing components; and

one or more packet merging mechanisms coupled to the plurality of distributed resequencing components to receive packets of the stream of packets to produce a resequenced stream of the stream of packets.

The Office action equates the plurality of processing units 11-13, 21-23, and 31-33 of FIG. 2 (sic) to the recited plurality of resequencing components. However, the second clause of claim 1 requires each of the plurality of distributing resequencing components to include data structures for maintaining an indication of packets of the stream of packets *that are stored in other distributed resequencing components*. The Office action cites Clauberg, col. 12, ll. 3-52 for this teaching. However, Applicants have reviewed this citation, and do not find any such teaching. Moreover, claim 1 recites a communication mechanism coupled to the plurality of distributed resequencing components to *allow communication among the plurality of distributed resequencing components*. The Office action cites FIGs. 2 (sic) and 7 as showing this communication mechanism, yet applicants see no such mechanism, and in reading Clauberg (especially col. 6, line 25 to col. 8, line 17) and understanding the operation of processing units 11-13, 21-23, and 31-33, there is no teaching of communication among these processing units (and no reason for communication among processing units 11-13, 21-23, and 31-33) and no data structure in one of the processing units 11-13, 21-23, and 31-33 for storing indications of packets

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that are stored in the other processing units (and no reason for a processing unit to have such information about packets in another processing unit).

In this regard, Clauberg teaches that a packet switch adapter can receive a stream of packets, with packets put in a corresponding priority queue (FIG. 1b), and these packets are distributed to multiple processing units 11-13, 21-23, and 31-33, to provide multiple processing paths so packets can be processed in parallel. If a packet is in the process of being communicated from the priority sorter 1 to one of the processing units 11-13, 21-23, and 31-33 via a signalizer 14, 24, 34 and a higher priority packet is available, this communication will be interrupted while the higher priority packet is communicated to a different one of the processing units 11-13, 21-23, and 31-33. This interruption is indicated to the processing unit to which the communication is being delayed. The communication of the interrupted packet is completed to the processing unit after the higher priority packet is communicated to a different one of the processing units such that the entire packet is communicated to a single processing unit (without any portion of another packet being in between the interrupted portions of the packet). The communicated packets are processed by units 11-13, 21-23, and 31-33.

These processed packets are communicated to multiplexer 9 via collectors 15, 25, 35, and multiplexer 9 multiplexes these received packets into a single stream of packets. This multiplexing arrangement seems to be a standard multiplexing arrangement wherein received packets are simply multiplexed (and thus no reason for the data structures and communication mechanism recited in claim 1 for communication among the distributed resequencing components). In contrast, the apparatus recited in claim 1 provides mechanisms to enable communication and coordination among the distributed resequencing components so they collectively can resequence the stream of packets.

Additionally, claim 1 recites one or more packet merging mechanisms coupled to the plurality of distributed resequencing components to receive packets of the stream of packets to produce a resequenced stream of the stream of packets. The Office action equates multiplexer 53 as the recited one or more packet merging mechanisms. However, claim 1 requires that the one

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or more packet merging mechanisms are coupled to the plurality of distributed resequencing components. Applicants do not see how processing units 11-13, 21-23, and 31-33 of FIG. 2b are coupled to multiplexer 53 of FIG. 7, as FIGs. 2b and 7 appear to illustrate two different embodiments of a packet processing apparatus. Thus, the Office fails to present a proper rejection of this claim element/limitation. (Maybe the Office meant multiplexer 9 of FIG 2b instead of multiplexer 53 of FIG. 7?)

For at least these reasons, Applicants believe the prior art of record neither teaches nor suggests the apparatus recited in independent claim 1, and claim 1 and its dependent claims 2-8 are believed to be allowable.

Paragraphs 5-8. Dependent claims 2-8 are believed to be allowable for at least the reasons presented in relation to independent claim 1.

Paragraph 9. Claims 9-11 are simply rejected by incorporating by reference the same reasons presented in the Office action for rejecting claims 1-2. Applicants therefore respectfully submit that claims 9-11 are allowable for at least the same reasons presented herein for allowance of claims 1-2.

Paragraph 10. Claims 12-24 are simply rejected by incorporating by reference the same reasons presented in the Office action for rejecting claims 1-8. Applicants therefore respectfully submit that claims 12-24 are allowable for at least the same reasons presented herein for allowance of claims 1-8.

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Moreover, Applicants respectfully submit that this rejection fail to comply with the MPEP § 706 and specifically 37 CFR 1.104(c)(2), which provides:

... When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

Thus, the Office action must clearly articulate any rejection with the particular part relied upon designated as clearly as possible. There are claim elements / limitations in the method claims which are not addressed in the stated rejections of claims 1-8. Thus, Applicants respectfully submit that a proper rejection has not been provided for claims 12-24. Even in the statement of the rejection of claim 1, the Office didn't provide a specific reference for some of the elements and limitations, but rather cited a long passage or an entire figure. Applicants respectfully suggest the Office continues its nice practice of providing specific element citations like it did for some elements/limitations (e.g., processing units 11-13, 21-23, and 31-33 of FIG. 2b) for all elements and limitations, so that Applicants can clearly understand the Office. The MPEP merely requires clear and complete documentation of a proper rejection.

Finally, if the Office complies with the requirement of MPEP § 706 and specifically 37 CFR 1.104(c)(2), which provides that "[i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command," then Clauberg is the best reference available, and for at least the reasons presented herein, Clauberg neither teaches nor suggests any of the recited claims. Therefore, Applicants respectfully submit that the claims are allowable over the best reference available, and Applicants request the application be passed to issuance.

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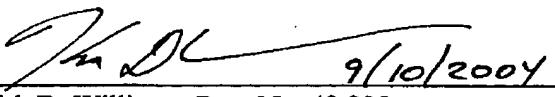
Final Remarks. In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

Although no fee nor extension of time is believed due in the matter, the Commissioner is hereby generally authorized under 37 C.F.R. § 1.136(a)(3) to treat this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating a request therefore, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for any fee that may be due in connection with such a request for an extension of time. Moreover, the Commissioner is hereby authorized to charge payment of any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 501430.

Respectfully submitted,
The Law Office of Kirk D. Williams

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By



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